



IFW/AF 3738

PATENT  
Customer No. 22,852  
Attorney Docket No. 08442.0002.04000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Joseph C. CAUTHEN ) Group Art Unit: 3738  
)  
Application No.: 10/085,040 ) Examiner: U. Chattopadhyay  
)  
Filed: March 1, 2002 ) Confirmation No.: 8078  
)  
For: INTERVERTEBRAL DISC )  
ANNULUS STENT )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and applicant determines

that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.


Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: August 25, 2004

By:   
Eric P. Raciti  
Reg. No. 41,475



OMB No. 0651-0011  
Customer No. 22,852

### INFORMATION DISCLOSURE CITATION

Atty. Docket No.	08442.0002-04	Appln. No.	10/085,040
Applicant	Joseph C. CAUTHEN		
Filing Date	March 1, 2002	Group:	3738

#### U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	5,397,331	3/14/1995	Himpens et al.			
	6,425,924	7/30/2002	Rousseau			

#### FOREIGN PATENT DOCUMENTS

Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No

#### OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)


Examiner

Date Considered

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO 1449

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